

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc S. HERMELIN et al.

Serial No.: Not yet assigned

Filing Date: February 25, 2002Title: **MINERAL SUPPLEMENT**

(Divisional of U.S. Pat. Appl. No. 09/583,890, filed May 31, 2000)

J11046 U.S. PTO
06080/01
02/25/02TRANSMITTAL LETTERCommissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Filing Form for Divisional U.S. Patent Application;
- 3) Copy of Parent Application S.N. 09/583,890 consisting of:
 - 67 Pages Application including:
 - 49 Pages of Textual Specification
 - 17 Pages of 65 Claims
 - 1 page Abstract of the Disclosure;
- 4) Preliminary Amendment;
- 5) Copy of Declaration as originally filed in parent application; and
- 6) Early Notification of Serial Number Postcard.

The Commissioner, in connection with this matter, is specifically authorized to charge any required fee deficiency or credit any overpayment under 37 CFR §§ 1.16 or 1.17 to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
Registration No. 44,126
Customer No. 20529Date: February 25, 2002

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1030 15th Street, NW - 6th Floor

Washington, D.C. 20005

GMN/JBG:ayd

02/25/02

10080390-022502

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In re Application of:

Marc S. HERMELIN et al.

Serial No.: Not Yet Assigned

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Title: **MINERAL SUPPLEMENT**

FILING FORM

FOR DIVISIONAL U.S. PATENT APPLICATION

Commissioner of Patents
Washington, D.C. 20231

Sir:

1. This is a Request for filing a
 ___ Continuation Application under:
 ___ 37 CFR § 1.53(b) (1)
 XX Divisional Application under:
 XX 37 CFR § 1.53(b) (1)
 ___ Continuation-In-Part (CIP) application
 ___ 37 CFR § 1.53(b) (2)
of **prior** ("parent") application:
 Serial No. 09/583,890
 Filed: May 31, 2000
 Entitled: **MINERAL SUPPLEMENT**
2. XX *Enclosed for application under 37 CFR §§ 1.53(b) are:
 67 pages of text (specification, claims, abstract)
 65 claims
 0 sheets of drawings
3. The **present** application names the following inventor(s):
 Marc S. Hermelin
 George N. Paradissis
 James A. Garegnani

(37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

Enter the Amendment filed in the prior patent application on _____ prior to calculating the filing fee.

XX Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		OR	NON-SMALL ENTITY	
TOTAL	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
TOTAL	28	minus 20	8	x9=			x18=	144
INDEP	3	minus 3	0	x40=			x84=	0
BASE FILING FEE:				+355=			+740=	740
xx Multiple Dependent Claims				+130=	0		+270=	0
				TOTAL		OR	TOTAL	884

Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:
 was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);
 is filed herewith;
 will be filed at a later date.

XX The Commissioner, in connection with this matter, is specifically authorized to charge the \$884.00 filing fee to Deposit Account No. 14-0112.

A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$ extension fee.

Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$ per Assignment.

No check is enclosed. A Declaration and Power of Attorney

will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

XX The prior application is assigned of record to KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, Missouri 63144, the Assignment being recorded on September 13, 2000 on Reel 011093, Frame(s) 0123.

XX An original executed Declaration is enclosed.

XX Amend the specification by inserting before the first line the sentence:

--This application is a divisional application of U.S. patent application Serial No. 09/583,890, filed May 31, 2000, the entire contents of which is hereby incorporated by reference in its entirety.-

Foreign priority under 35 U.S.C. § 119 of _____ application(s) _____, filed _____, is hereby claimed. The certified priority paper(s):
____ was/were filed in the parent case;
____ is/are enclosed herewith;
____ will be submitted at a later date.

XX The power of attorney in the prior application is to Gary M. Nath, Reg. No. 26,965, Joshua B. Goldberg, Reg. No. 44,126, Customer No. 20529.

XX The power appears in the original papers in the prior application.

XX Address all future communications to:

Gary M. Nath
NATH & ASSOCIATES PLLC
1030 Fifteenth Street, N.W., Sixth Floor
Washington, D.C. 20005

____ If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

XX The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC



Gary M. Nath
Reg. No. 26,965
Joshua B. Goldberg
Reg. No. 44,126
Customer No. 20529

Date: February 25, 2002

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